



## 95TH GENERAL ASSEMBLY

### State of Illinois

#### 2007 and 2008

##### HB0901

Introduced 2/7/2007, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-41	from Ch. 46, par. 7-41
10 ILCS 5/17-29	from Ch. 46, par. 17-29
10 ILCS 5/19-2.2	from Ch. 46, par. 19-2.2

Amends the Election Code. Provides that the 100-foot campaign free zone around a polling place is measured from each entrance to the building containing the polling room (now, measured from each entrance to the polling room).

LRB095 08173 JAM 28338 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 7-41, 17-29, and 19-2.2 as follows:

6 (10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

7 Sec. 7-41. (a) All officers upon whom is imposed by law the  
8 duty of designating and providing polling places for general  
9 elections, shall provide in each such polling place so  
10 designated and provided, a sufficient number of booths for such  
11 primary election, which booths shall be provided with shelves,  
12 such supplies and pencils as will enable the voter to prepare  
13 his ballot for voting and in which voters may prepare their  
14 ballots screened from all observation as to the manner in which  
15 they do so. Such booths shall be within plain view of the  
16 election officers and both they and the ballot boxes shall be  
17 within plain view of those within the proximity of the voting  
18 booths. No person other than election officers and the  
19 challengers allowed by law and those admitted for the purpose  
20 of voting, as hereinafter provided, shall be permitted within  
21 the proximity of the voting booths, except by authority of the  
22 primary officers to keep order and enforce the law.

23 (b) The number of such voting booths shall not be less than

1 one to every seventy-five voters or fraction thereof, who voted  
2 at the last preceding election in the precinct or election  
3 district.

4 (c) No person shall do any electioneering or soliciting of  
5 votes on primary day within any polling place or within one  
6 hundred feet of any polling place, or, at the option of a  
7 church or private school, on any of the property of that church  
8 or private school that is a polling place. Election officers  
9 shall place 2 or more cones, small United States national  
10 flags, or some other marker a distance of 100 horizontal feet  
11 from each entrance to the building containing the room used by  
12 voters to engage in voting, which shall be known as the polling  
13 room. ~~If the polling room is located within a building that is~~  
14 ~~a private business, a public or private school, or a church or~~  
15 ~~other organization founded for the purpose of religious worship~~  
16 ~~and the distance of 100 horizontal feet ends within the~~  
17 ~~interior of the building, then the markers shall be placed~~  
18 ~~outside of the building at each entrance used by voters to~~  
19 ~~enter that building on the grounds adjacent to the thoroughfare~~  
20 ~~or walkway. If the polling room is located within a public or~~  
21 ~~private building with 2 or more floors and the polling room is~~  
22 ~~located on the ground floor, then the markers shall be placed~~  
23 ~~100 horizontal feet from each entrance to the polling room used~~  
24 ~~by voters to engage in voting. If the polling room is located~~  
25 ~~in a public or private building with 2 or more floors and the~~  
26 ~~polling room is located on a floor above or below the ground~~

1 ~~floor, then the markers shall be placed a distance of 100 feet~~  
2 ~~from the nearest elevator or staircase used by voters on the~~  
3 ~~ground floor to access the floor where the polling room is~~  
4 ~~located.~~ The area within where the markers are placed shall be  
5 known as a campaign free zone, and electioneering is prohibited  
6 pursuant to this subsection. Notwithstanding any other  
7 provision of this Section, if the polling room is located  
8 within a building that is a private school or a church and the  
9 designation of 100 horizontal feet ends on the property of the  
10 school or church, then that entity ~~a church or private school~~  
11 may choose to apply the campaign free zone to its entire  
12 property, and, if so, the markers shall be placed near the  
13 boundaries on the grounds adjacent to the thoroughfares or  
14 walkways leading to the entrances used by the voters.

15 The area on polling place property beyond the campaign free  
16 zone, whether publicly or privately owned, is a public forum  
17 for the time that the polls are open on an election day. At the  
18 request of election officers any publicly owned building must  
19 be made available for use as a polling place. A person shall  
20 have the right to congregate and engage in electioneering on  
21 any polling place property while the polls are open beyond the  
22 campaign free zone, including but not limited to, the placement  
23 of temporary signs. This subsection shall be construed  
24 liberally in favor of persons engaging in electioneering on all  
25 polling place property beyond the campaign free zone for the  
26 time that the polls are open on an election day.

1 (d) The regulation of electioneering on polling place  
2 property on an election day, including but not limited to the  
3 placement of temporary signs, is an exclusive power and  
4 function of the State. A home rule unit may not regulate  
5 electioneering and any ordinance or local law contrary to  
6 subsection (c) is declared void. This is a denial and  
7 limitation of home rule powers and functions under subsection  
8 (h) of Section 6 of Article VII of the Illinois Constitution.  
9 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

10 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

11 Sec. 17-29. (a) No judge of election, pollwatcher, or other  
12 person shall, at any primary or election, do any electioneering  
13 or soliciting of votes or engage in any political discussion  
14 within any polling place, within 100 feet of any polling place,  
15 or, at the option of a church or private school, on any of the  
16 property of that church or private school that is a polling  
17 place; no person shall interrupt, hinder or oppose any voter  
18 while approaching within those areas for the purpose of voting.  
19 Judges of election shall enforce the provisions of this  
20 Section.

21 (b) Election officers shall place 2 or more cones, small  
22 United States national flags, or some other marker a distance  
23 of 100 horizontal feet from each entrance to the building  
24 containing the room used by voters to engage in voting, which  
25 shall be known as the polling room. ~~If the polling room is~~

1 ~~located within a building that is a private business, a public~~  
2 ~~or private school, or a church or other organization founded~~  
3 ~~for the purpose of religious worship and the distance of 100~~  
4 ~~horizontal feet ends within the interior of the building, then~~  
5 ~~the markers shall be placed outside of the building at each~~  
6 ~~entrance used by voters to enter that building on the grounds~~  
7 ~~adjacent to the thoroughfare or walkway. If the polling room is~~  
8 ~~located within a public or private building with 2 or more~~  
9 ~~floors and the polling room is located on the ground floor,~~  
10 ~~then the markers shall be placed 100 horizontal feet from each~~  
11 ~~entrance to the polling room used by voters to engage in~~  
12 ~~voting. If the polling room is located in a public or private~~  
13 ~~building with 2 or more floors and the polling room is located~~  
14 ~~on a floor above or below the ground floor, then the markers~~  
15 ~~shall be placed a distance of 100 feet from the nearest~~  
16 ~~elevator or staircase used by voters on the ground floor to~~  
17 ~~access the floor where the polling room is located. The area~~  
18 within where the markers are placed shall be known as a  
19 campaign free zone, and electioneering is prohibited pursuant  
20 to this subsection. Notwithstanding any other provision of this  
21 Section, if the polling room is located within a building that  
22 is a private school or a church and the designation of 100  
23 horizontal feet ends on the property of the school or church,  
24 then that entity ~~a church or private school~~ may choose to apply  
25 the campaign free zone to its entire property, and, if so, the  
26 markers shall be placed near the boundaries on the grounds

1 adjacent to the thoroughfares or walkways leading to the  
2 entrances used by the voters.

3 The area on polling place property beyond the campaign free  
4 zone, whether publicly or privately owned, is a public forum  
5 for the time that the polls are open on an election day. At the  
6 request of election officers any publicly owned building must  
7 be made available for use as a polling place. A person shall  
8 have the right to congregate and engage in electioneering on  
9 any polling place property while the polls are open beyond the  
10 campaign free zone, including but not limited to, the placement  
11 of temporary signs. This subsection shall be construed  
12 liberally in favor of persons engaging in electioneering on all  
13 polling place property beyond the campaign free zone for the  
14 time that the polls are open on an election day.

15 (c) The regulation of electioneering on polling place  
16 property on an election day, including but not limited to the  
17 placement of temporary signs, is an exclusive power and  
18 function of the State. A home rule unit may not regulate  
19 electioneering and any ordinance or local law contrary to  
20 subsection (c) is declared void. This is a denial and  
21 limitation of home rule powers and functions under subsection  
22 (h) of Section 6 of Article VII of the Illinois Constitution.

23 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

24 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

25 Sec. 19-2.2. (a) During the period beginning on the 40th

1 day preceding an election and continuing through the day  
2 preceding such election, no advertising pertaining to any  
3 candidate or proposition to be voted upon shall be displayed in  
4 or within 100 feet of any place ~~room~~ used by voters pursuant to  
5 this Article, or, at the option of a church or private school,  
6 on any of the property of that church or private school that is  
7 a polling place; nor shall any person engage in electioneering  
8 in or within 100 feet of any such place ~~room~~, or, at the option  
9 of a church or private school, on any of the property of that  
10 church or private school that is a polling place. Any person  
11 who violates this Section may be punished as for contempt of  
12 court.

13 (b) Election officers shall place 2 or more cones, small  
14 United States national flags, or some other marker a distance  
15 of 100 horizontal feet from each entrance to the building  
16 containing the room used by voters to engage in voting, ~~or, at~~  
17 ~~the option of a church or private school, on any of the~~  
18 ~~property of that church or private school that is a polling~~  
19 ~~place,~~ which shall be known as the polling room. ~~If the polling~~  
20 ~~room is located within a building that is a private business, a~~  
21 ~~public or private school, or a church or other organization~~  
22 ~~founded for the purpose of religious worship and the distance~~  
23 ~~of 100 horizontal feet ends within the interior of the~~  
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16 horizontal feet ends on the property of the school or church,  
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